

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

SUSAN K. GORTON, L.P.N.,
RESPONDENT.

:
:
:
:
:

FINAL DECISION AND ORDER

Order 0000111

[Division of Enforcement Case # 07 NUR 460]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Susan K. Gorton, L.P.N.
248 Bonnie Road
Cottage Grove, WI 53527

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Board of Nursing
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board of Nursing. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Susan K. Gorton, L.P.N., Respondent, date of birth July 8, 1962, is licensed by the Wisconsin Board of Nursing as a licensed practical nurse (LPN) in the state of Wisconsin pursuant to license number 25309, which was first granted November 24, 1982.
2. Respondent's last address reported to the Department of Regulation and Licensing is 248 Bonnie Road, Cottage Grove, WI 53527.
3. Since July 1990, Respondent has been employed as an LPN in the Urology Department at Dean East Clinic in Madison, Wisconsin. Physicians at the clinic and other co-

workers there reported to the Division of Enforcement that Respondent's practice as an LPN at the clinic is exemplary and nothing has occurred there to cause suspicion of substance abuse.

4. While driving home in snowy windy conditions on a dark rural road under an interstate highway bridge at 7:45 p.m. on February 6, 2007, Respondent struck a bicyclist who was wearing dark clothing. Respondent did not see the bicyclist, but heard a 'thud' and felt something crack the windshield. Respondent believed her vehicle was struck by a chunk of ice or another object which had fallen from the bridge. Respondent continued to her home a short distance further.

5. After arriving home, Respondent took a bath and smoked some marijuana to relax while she was in the tub. Respondent had told her husband about the incident and he immediately examined the vehicle. He came back inside and told Respondent that because of the extent of the damage he believed something more had occurred. He drove back to the scene of the accident and saw an ambulance there. He returned home and called police to report the accident.

6. The person who Respondent struck died from his injuries. At approximately 10:00 p.m. that night, police officers arrived at Respondent's residence to question her. At approximately 12:30 a.m., Respondent was taken to a local hospital for a blood draw which was tested for alcohol and controlled substance. The only positive test was for marijuana, which is a schedule I controlled substance pursuant to Wis. Stat. § 961.14(4)(t).

7. Respondent did not receive the marijuana from a practitioner or pursuant to the order of a practitioner and Respondent's possession of marijuana was in violation of Wis. Stat. § 961.41(3g)(e), a law substantially related to the practice of nursing.

8. On December 19, 2007, as a result of her conduct on February 6, 2007, Respondent was charged in Dane County Wisconsin Circuit Court case number 2007CF002409 with:

- a. Homicide by Vehicle Use-Controlled Substance, a Class D felony, in violation of Wis. Stat. § 940.09(1)(am).
- b. 2nd-Degree Recklessly Endangering Safety, a Class G felony, in violation of Wis. Stat. § 941.30(2).

9. On October 20, 2008, as a result of a plea agreement, Respondent pled no contest and was found guilty and convicted of violating Wis. Stat. § 941.30(2), 2nd-Degree Recklessly Endangering Safety, a Class G felony, and the count of Homicide by Vehicle Use-Controlled Substance was dismissed. Respondent was sentenced to four years probation during which she must comply with all terms of probation ordered by the court or imposed by her agent.

10. Wis. Stat. § 941.30(2), 2nd-Degree Recklessly Endangering Safety, is a law substantially related to practice under Respondent's license.

11. During the time between her arrest and conviction, Respondent had random urine screens performed, all of which were negative for controlled substances. Since being placed on

probation, Respondent has been required to submit urines for drug testing at the probation agent's discretion.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction over this matter pursuant to Wis. Stat. § 441.07 and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent has violated laws substantially related to practice under her license, and has committed misconduct and unprofessional conduct as defined by Wis. Adm. Code § N 7.04(1), which subjects Respondent to discipline pursuant to Wis. Stat. § 441.07(1)(d).

3. Respondent, by obtaining a drug other than in the course of legitimate practice and as otherwise prohibited by law, as set out above, has committed misconduct and unprofessional conduct as defined by Wis. Adm. Code § N 7.04(2) and is subject to discipline pursuant to Wis. Stat. § 441.07(1)(d).

ORDER

1. Respondent, Susan K. Gorton, L.P.N., is hereby REPRIMANDED for the above conduct.

2. Respondent's license to practice as a licensed practical nurse in the State of Wisconsin is LIMITED for two years from the date of this Order, as follows:

a. Respondent shall comply with all terms and conditions of her probation until it is concluded.

b. Respondent shall provide a copy of this Final Decision and Order immediately to supervisory personnel at all settings where Respondent works as a nurse or caregiver or provides health care.

c. Respondent shall notify the Department Monitor of each place she is employed as a nurse and the name and contact information for her supervisor at each place of employment, within 10 days of commencing employment.

d. Respondent's supervisors shall provide written reports on Respondent's work performance to the Department Monitor on a quarterly basis, as directed by the Department Monitor. It shall be Respondent's responsibility to insure that the reports are made in a timely manner.

e. Respondent shall provide written self-reports to the Department Monitor on a quarterly basis documenting her compliance with the terms of her probation and this Order.

3. Respondent shall, within 180 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$445.00 pursuant to Wis. Stat. § 440.22(2).


4. All reports, notifications and payment shall be sent to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

5. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event that Respondent fails to pay costs as ordered, Respondent's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

6. This Order is effective on the date of its signing.

Wisconsin Board of Nursing

By: 
A Member of the Board

3/25/10
Date

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